

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 30 2003
Returned to applicant for correction NOV 4 2003
Corrected application filed JAN 2 2004
Map filed APR 5 1945 under 11264

The applicant **James R. Boyce**, hereby makes application for permission to change the
Manner & Place of Use of water heretofore appropriated under **Proof 01312**

1. The source of water is **Leidy (aka Robinson) Creek**
2. The amount of water to be changed as decreed or not to exceed **1926.03 acre-feet annually**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation, Stockwater & Domestic**
5. The water is to be diverted at the following point **SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T.2S., R.35E., M.D. B. & M. or at a point that bears S.69° 55' E., 1608.8 feet from the SE Corner of said Section 29. See map filed under Permit 11264**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **See Attachment "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As decreed.**
11. Description of proposed works **Diversion structure on Leidy (aka Robinson) Creek, thence by pipeline, booster pump and ditches to the proposed place of use.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **Three (3) years**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **Refer to Attachment "C"**

By **Gregory M. Bilyeu**
s/**Gregory M. Bilyeu**
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared cmf/ sam lb/gkl

Protested 2/5/2004 by: U.S. Bureau of Land Management

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of Leidy (aka Robinson) Creek as heretofore appropriated under Proof 01312, Certificate 338 as appears in the Matter of the Determination of the Relative Rights in and to the Waters of Robinson (aka Leidy) Creek and its Tributaries in the District Court of the Fifth Judicial District of the State of Nevada, in and for the County of Esmeralda is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acres irrigated on the northern portion of the ranch by Permits 70164 through 70168, 70444 through 70470 and 70475 through 70481, shall be limited to 1,167.62 acres from surface sources, plus 1,363.46 acres from all non-supplemental underground sources, for a total of 2,531.08 acres irrigated from all sources within the common described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed as decreed cubic feet per second, but not to exceed 1,926.03 acre-feet annually, as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 12, 2007

Proof of completion of work shall be filed before:

February 12, 2007

Water must be placed to beneficial use on or before:

January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:

February 12, 2011

Map in support of proof of beneficial use shall be filed on or before:

February 12, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 12th day of January A.D. 2006

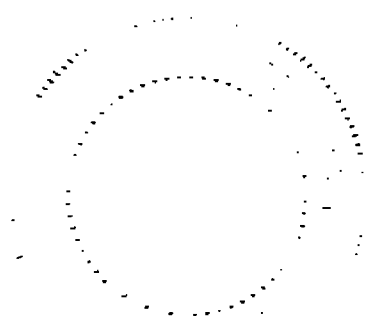

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____



Attachment "A"

7. Proposed Place of Use:

T. 2S., R. 35E., M.D.B. & M.

Section 22: S $\frac{1}{2}$ NE $\frac{1}{4}$, portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23: S $\frac{1}{2}$ SW $\frac{1}{4}$

See REC 166

Section 26: W $\frac{1}{2}$

06 2-19-04

Section 27: All

264

Section 28: E $\frac{1}{2}$ (east of State Route 246)Section 33: E $\frac{1}{2}$ (east of State Route 246)

Section 34: All

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T. 3S., R. 35E., M.D.B. & M.

Section 3: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

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Section 4: E $\frac{1}{2}$ NE $\frac{1}{4}$, portion of the W $\frac{1}{2}$ NE $\frac{1}{4}$ (east of State Route 246),
portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (east of State Route 246), portion of NE
 $\frac{1}{4}$ SE $\frac{1}{4}$

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Attachment "B"

8. Existing Place of Use -- Proof 01312

CROP LAND	MEADOW PASTURE	SUB- DIVISION	SECTION	TWNSHP	RANGE
ACRES					
35.95		NW $\frac{1}{4}$ SW $\frac{1}{4}$	34	2S	35E
34.77		NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	2S	35E
34.95		SW $\frac{1}{4}$ NW $\frac{1}{4}$	34	2S	35E
28.23		SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2S	35E
	39.5	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35	2S	35E
	39.5	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35	2S	35E
	36.47	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	2S	35E
	27.08	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	2S	35E
10.2		SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2S	35E
21.42		NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	2S	35E
0.86		NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2S	35E
2.42		SW $\frac{1}{4}$ NW $\frac{1}{4}$	34	2S	35E
0.05		SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2S	35E
13.46		NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2S	35E
12.72		NW $\frac{1}{4}$ NW $\frac{1}{4}$	34	2S	35E
195.03	142.55	Total			

Refer to map(s) on filed under Proof 01312 for existing point of diversion and place of use.

ATTACHMENT "C"

Applications to change Proof 01312 and Permits 2889, 3158, 3225, 10575, through 10578, 11219 through 11223, 11574, 12599 through 12601, 12640, 13296, 19337, 19338, 20040, 23311, 23500, 29541, 40188, 40190, 42168 through 42170 and 48022 are being filed to commingle the duties within a common place of use. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540 et al and are in replacement of Applications 58194 through 58206 and 58208 through 58226 originally filed in 1992.

The total existing irrigated acreage under the base rights being changed is 1594.80 acres. Water from these rights will be commingled with that from Applications 70164 through 70168, and with Applications to Change Permits 46372, 47982, and 54330 for a total of 2482.75 acres within the proposed place of use. The duty of these rights will not exceed 5 acre-feet from any and all sources.

